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October 14, 2004

VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: Access to Confidential Materials in WC Docket No. 04-313 and
CC Docket No. 01-338.**

Dear Ms. Dortch:

By letter dated October 13, 2004, the law firm of Kelley Drye & Warren, LLP, submitted an "Acknowledgement of Confidentiality" on behalf of Karen L. Clauson, who seeks access to Confidential Information filed in the above-referenced proceedings.¹ Pursuant to paragraph 8 of the Protective Order adopted in these proceedings,² the Verizon telephone companies (collectively, "Verizon") hereby object to the disclosure of Confidential Information to Ms. Clauson.

The Protective Order provides that Confidential Information filed with the Commission in this proceeding may not be provided to persons "involved in competitive decision-making." Protective Order ¶ 2. Ms. Clauson is described as Senior Director of Interconnection, Eschelon Telecom. Her title indicates that she is likely to be involved in competitive decision-making, i.e., involved in advising or participating in business decisions made in light of the type of confidential information provided in this proceeding. *See* Protective Order ¶ 2.

¹ *See* Letter from Stephanie A. Joyce, Kelley Drye & Warren, LLP, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 04-313, CC Docket No. 01-338 (FCC filed Oct. 13, 2004).

² Order, *Unbundled Access to Network Elements; Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, WC Docket No. 41-313; CC Docket No. 01-338, DA 04-3152 at Attachment A (FCC rel. Sept. 29, 2004) ("Protective Order").

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Based on the information in the record, Ms. Clauson is not eligible to have access to Confidential Information pursuant to the Protective Order, and Verizon objects to her having access to Confidential Information submitted in these proceedings without further clarification of her position. In view of Verizon's objections, Ms. Clauson may not have access Confidential Information unless and until Verizon's objections are resolved in their favor by the Commission and, if appropriate, any court of competent jurisdiction. *See* Protective Order, ¶ 8.

Respectfully submitted,

/s/ J.C. Rozendaal

J.C. Rozendaal
Counsel for the Verizon telephone companies

cc: Stephanie A. Joyce, Kelley Drye & Warren, LLP (via facsimile and overnight delivery)